

KELLER GROVER LLP
1965 Market Street, San Francisco, CA 94103
Tel. 415.543.1305 | Fax 415.543.7861

ERIC A. GROVER (SBN 136080)
eric.grover@kellergrover.com
SARAH R. HOLLOWAY (SBN 254134)
sarah.holloway@kellergrover.com
KELLER GROVER LLP
1965 Market Street
San Francisco, California 94103
Telephone: (415) 543-1305
Facsimile: (415) 543-7861

Attorneys for Plaintiff
Timothy Dugger

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TIMOTHY DUGGER, individually and on
behalf of classes of similarly situated
individuals,

Plaintiff,

v.

KARS4KIDS INC. and OORAH INC.,
inclusive,

Defendants

Case No: 3:24-CV-02419-JD

**PLAINTIFF'S NOTICE OF VOLUNTARY
DISMISSAL *WITHOUT* PREJUDICE**

[FRCP 41(a)(1)(A)(i)]

Judge: Hon. James Donato
Courtroom: 11, 19th Floor

Complaint Filed: April 23, 2024

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 41(a), Plaintiff Timothy Dugger (“Plaintiff”) hereby voluntarily dismisses the above-captioned action *without* prejudice. *See* Fed. R. Civ. P. 41(a)(1)(A)(i).

Plaintiff has not moved for class certification, and a class has not been certified by the Court. Thus, Court approval is not required for dismissal under Rule 23(e). *See* Fed. R. Civ. P. 23(e) (court approval only required for dismissal of “the claims, issues, or defenses of a *certified* class – or a class proposed to be certified for purposes of settlement. . .”) (emphasis added); *see also* Advisory Committee Notes on 2003 Amendments to Rule 23, Subdivision (e), Paragraph (1) (“The new rule requires [court] approval only if the claims, issues or defenses of a *certified* class are resolved by . . . voluntary dismissal.”) (emphasis added); Advisory Committee Notes on 2018 Amendments to Rule 23, Subdivision (e) (the procedural requirements of Subdivision (e) also apply to class settlements). Plaintiff’s dismissal of this action is *without* prejudice and does not resolve the claims, issues, or defenses of Plaintiff’s individual claims or the claims of any putative, certified, or settlement class.

For the reasons set forth above and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff hereby dismisses this action without prejudice and requests that the Court terminate all proceedings in this action.

Respectfully submitted,

Dated: April 23, 2025

KELLER GROVER LLP

By: /s/ Eric A. Grover

ERIC A. GROVER

Counsel for Plaintiffs